



Home Office

Allocation of asylum accommodation policy

Version 8.0

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About this guidance

This guidance tells you how to consider requests from asylum seekers on asylum support to be accommodated in a particular location. It also contains the suitability criteria for accommodating asylum seekers at Napier and considerations for accommodating asylum seekers in shared sleeping quarters in other forms of accommodation.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the Asylum Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **8.0**
- published for Home Office staff on **23 December 2022**

Changes from last version of this guidance

- includes the provisions introduced by section 13(1) of the [Nationality and Borders Act 2022](#), which inserted section 97(3A) into the [Immigration and Asylum Act 1999](#) - this sets out factors that may be considered when deciding the type of accommodation to allocate to asylum seekers and failed asylum seekers in need of support
- amendments to Napier considerations to factor in views of site staff when considering vulnerabilities that may arise during an individual's stay on site
- clarifications on suitability criteria for other forms of accommodation with shared sleeping quarters
- added page on section 95 support for those in private accommodation

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Introduction

This instruction provides guidance to caseworkers on how to consider requests from asylum seekers supported under [section 95 of the Immigration and Asylum Act 1999](#) to be accommodated in specific areas of the UK. It also contains the suitability criteria for accommodation at Napier.

This instruction also includes considerations for asylum seekers accommodated in other accommodation which includes communal, dormitory style rooms. Finally, this instruction provides guidance to caseworkers on how to deal with grants of section 95 accommodation and subsistence support for those living in private accommodation.

Legislation and policy intention

[Section 97 of the Immigration and Asylum Act 1999](#) provides that, in exercising the power to provide accommodation, caseworkers must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply. Caseworkers must not have regard to the individual's preferences.

The overriding principle when allocating accommodation is that it is offered on a 'no choice basis', and as a general rule is provided outside London and the South East and only in areas of the UK where the Home Office has a ready supply.

Caseworkers must, however, consider requests to be allocated accommodation in London, the South East, or another specific location and consider whether there are exceptional circumstances that make it appropriate to agree to the request.

All requests should be considered on a case by case basis, balancing the overarching principle that accommodation is offered on a 'no choice basis' against the strength of the exceptional circumstances that might make it appropriate to agree to the request to provide accommodation in a particular location.

If it is decided not to agree to arrange accommodation in a particular location, reasons should be given, and the decision must be compatible with the Home Office's obligations under Human Rights legislation and in line with our obligation to take into account the need to safeguard and promote the welfare of children in the UK.

[Section 97\(3A\) of the Immigration and Asylum Act 1999](#) sets out the matters which can form the basis on which asylum seekers and failed asylum seekers who are in need of support can be provided with different types of accommodation. There is currently no obligation to provide a specific form of accommodation. The accommodation provided to asylum seekers and failed asylum seekers is not linked to the progress of their claim, appeal, or their compliance with the rules. However, a breach of the conditions of their support may result in withdrawal of support. The intention of section 97(3A) is to allow for the use of certain types of accommodation

to house certain cohorts of asylum seekers and failed asylum seekers in order to increase efficiencies within the system and increase compliance.

Regulation 13 of the [Asylum Support Regulations 2000](#) requires us to have no regard to an asylum seeker's "personal preference as to the nature of the accommodation to be provided". However, whilst we must not have regard to an individual's preferences as to locality and nature of accommodation, the Home Secretary is obliged to consider the individual circumstances of each applicant, including their needs and family ties (R (Hetoja) v Home Secretary [2002] EWHC 2146 (Admin)).

The [Equality Act 2010](#) has also been considered, particularly in respect of the definition of communal accommodation.

Evidence needed to support the request for accommodation in a particular location

Requests for accommodation in a particular location should normally be made in writing and be supported, where appropriate, with other documentary evidence, for example from medical practitioners.

Where the request for accommodation in a particular location is made because the individual is being considered for treatment or is receiving treatment from Freedom from Torture or the Helen Bamber Foundation, the request should normally be supported by a letter from the particular organisation. Where necessary for the purposes of considering the request, the organisation may be asked to provide information about the date or dates when the individual is due to be assessed for treatment and, where treatment is being provided (such as the location of the centre). Neither organisation should be asked for details of the nature or frequency of the treatment the individual is receiving as this information is covered by client confidentiality.

Reviewing decisions to agree requests for accommodation in a particular location

Where a request for accommodation in a particular location is agreed, the reasons should be recorded carefully. Where it appears that the individual has only a temporary need to be accommodated in a particular location, caseworkers should normally set a review date for the purposes of considering whether the circumstances that made it appropriate to agree to the request still apply at that time of the review. If the circumstances no longer apply, the individual may be moved to accommodation in a different area.

Where it is not possible to provide accommodation in a particular location

Caseworkers may encounter some cases where it appears appropriate to provide accommodation in a particular location because of the individual's exceptional

circumstances, but this is not possible because there is no affordable accommodation in the area.

Where this is the case, the reasons should be provided and best endeavours made to provide alternative accommodation which best suits the individual's circumstances. As an alternative, it may be possible to mitigate the negative impact of a decision that accommodation cannot be provided in the location requested by agreeing to pay for travel expenses to visit the particular area. This could, for example, be appropriate in some circumstances to enable attendance for medical appointments or counselling sessions in the particular location requested.

Application of this instruction in respect of children and those with children

Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) (2009 Act) requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to section 55 of the 2009 Act. The Home Office instruction 'Arrangements to Safeguard and Promote Children's Welfare in the Home Office' sets out the important principles to take into account in all activities relating to children.

Our statutory duty to children includes the need to demonstrate:

- fair treatment which meets the same standard a British child would receive
- the child's interests being made a primary, although not the only consideration
- no discrimination of any kind
- asylum applications are dealt with in a timely fashion
- identification of those that might be at risk from harm

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Location

Typical request scenarios

This section deals with the typical requests that caseworkers may need to consider.

Medical treatment

Caseworkers may receive requests to provide accommodation in a particular location because the individual is receiving medical treatment in that area. Treatment for most medical conditions is available in all parts of the UK and the transfer of responsibility for providing that treatment to different medical practitioners is a normal everyday occurrence within the NHS. Unless there are exceptional circumstances, requests to be provided with accommodation in a specific location solely on the grounds that medical treatment is already being provided in the area should therefore be refused.

The requests may sometimes be made in order to avoid unreasonable disruption of the medical treatment or related assistance that the individual is receiving. These requests should be considered carefully, balancing the degree of disruption that may be caused by a move to another area against the overriding principle of allocating accommodation on a 'no choice basis' and outside London and the South East.

For cases where the individual is pregnant caseworkers should consider the guidance set out in Healthcare needs and pregnancy dispersal.

For cases where the individual is receiving treatment or being assessed for treatment by Freedom from Torture or the Helen Bamber Foundation caseworkers should refer to: accommodation requests from those who are being assessed for treatment or receiving treatment from Freedom from Torture or the Helen Bamber Foundation.

Disability

Caseworkers should have regard to the particular vulnerabilities of asylum seekers and their children who have disabilities or serious health problems. Requests for accommodation in a particular location may sometimes be made in order to avoid unreasonable disruption of any treatment or assistance to cope with the disability that is already being provided. These requests should be considered carefully, balancing the overriding principle of allocating accommodation on a 'no choice basis' and outside London and the South East against the level of disruption caused if the individual is required to relocate. Further information should be sought from child welfare agencies and medical professionals if needed.

Caseworkers should have particular regard to cases where a local authority is already providing some support or assistance and support, separate to assistance with accommodation and subsistence, to cater for an individual's disability. Where possible accommodation should normally be arranged close to where the support or

assistance from the local authority is being provided. See: Asylum seekers with care needs.

Family ties

When considering requests for accommodation near to relatives or friends, caseworkers should have regard to Article 8 of the European Convention on Human Rights:

“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

The individual’s circumstances and the nature of their relationship with the particular relative or friend should be carefully taken into account. However, these factors will not by themselves usually outweigh the public interest of allocating accommodation on a ‘no choice basis’ outside London and the South East and in areas of the UK where the Home Office has a ready supply.

Caseworkers may receive requests to provide accommodation in a particular location in order to enable the individual to maintain contact with a child from a previous relationship. These requests should be considered on a case by case basis. In some circumstances, where it is accepted that arrangements may need to be made to enable reasonable contact with the child, it may be more appropriate to agree to pay reasonable travel expenses to facilitate the contact.

Education

Requests for accommodation in a particular location because the individual’s children are attending school in the area should normally be refused, as arrangements can be made to transfer the children to a school in another area.

However, accommodation may temporarily be arranged in the area requested if the child has started their final school or college year leading up to their GCSE, Scottish Highers, AS or A-level exams (or their equivalents), provided they have been enrolled at that school for a significant part of the previous school year.

Individuals will not benefit from this concession if they have previously been uncooperative (for example if they have previously failed to travel to accommodation allocated to them without reasonable excuse) or they are requesting accommodation for the first time, having previously been supported through subsistence payments only, and it appears that they delayed a request for accommodation without good reason in order to take advantage of the concession.

If an individual has a child with special educational needs who has gained entry to an appropriate school, accommodation should normally be provided near to the school, unless it is clear that accommodation can be arranged near to another location where there is an appropriate school that the child can be transferred to.

Ethnic group

Caseworkers may receive requests to provide accommodation in a particular location because the individual is a member of a particular ethnic group and there are significant members of the same group in the area. Requests made solely on this basis should normally be refused because the factor will not outweigh the overarching principle that accommodation should be provided on a 'no choice basis'.

The Home Office provides accommodation in areas which generally have established ethnic minority communities and where voluntary and community infrastructures are in place.

Religion

Caseworkers may receive requests to provide accommodation in a particular location because the individual is a member of a particular religion and there are significant members of the same religion in the area. Requests made solely on this basis should normally be refused because the factor will not outweigh the overarching principle that accommodation should be provided on a 'no choice basis'. The Home Office provides accommodation in areas which generally have established minority religious communities.

A request made for accommodation within reasonable travelling distance of a particular place of worship used by a religious group (for example a church, mosque or temple) should be considered carefully and agreed wherever possible. Although the factor should be given limited weight if there are other places of worship used by the same religious group in other areas.

Legal advice

Requests for accommodation in a particular location because the individual's legal advisers are nearby should normally be refused. The individual has the option of transferring to an alternative legal adviser in the area where accommodation is allocated or travelling to meet their adviser. The costs of travel to attend essential legal appointments are paid for through legal aid.

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Those being assessed or treated by Freedom from Torture or the Helen Bamber Foundation

This section deals with the actions that may need to be taken when an applicant is being assessed or treated by either Freedom from Torture or the Helen Bamber Foundation.

Background to Freedom from Torture and the Helen Bamber Foundation

[Freedom from Torture](#) is dedicated solely to the treatment and documentation of survivors of torture. Freedom from Torture offers:

- medical, psychiatric and psychological consultation
- assessment and treatment
- short and long term rehabilitation through social care, casework and counselling
- psychotherapy
- physiotherapy
- complementary therapies
- group and family work
- medico-legal reports
- small financial grants as well as practical assistance with accommodation and welfare agencies for clients receiving treatment

Freedom from Torture's main treatment centre is in London, but it has smaller centres in Birmingham, Glasgow, Manchester and Newcastle. Because Freedom from Torture's centres outside London have very limited capacity, caseworkers must not allocate accommodation to an area outside of London or relocate an individual from one area to another without checking that the particular centre has capacity to treat the individual.

The [Helen Bamber Foundation](#) works with survivors of torture, war, genocide, human trafficking for sexual exploitation or labour (modern day slavery), gender based violence (including violence on the basis of one's sexuality) and extreme domestic violence. The Helen Bamber Foundation offers:

- specialist programmes of psychological care, psychotherapy and counselling for individuals and groups, including intensive trauma-focussed therapy
- provision of Medico-Legal Reports
- medical assessments and co-ordination of healthcare services
- physical rehabilitation therapies and activities
- safeguarding and intensive contact for survivors of human trafficking
- welfare and housing casework

- a Creative Arts and Employability Skills Programme
- clinical research

The Helen Bamber Foundation is based in London.

Assessment procedure by either organisation

Referrals to either organisation, from whatever source, are assessed on the basis of the information contained in the application. The procedures in each organisation may differ slightly but could result in a decision to either:

- reject the request without an appointment
- invite the applicant to complete an assessment
- move directly to an appointment with a clinician

Persons awaiting assessment by either organisation and seeking Home Office accommodation for the first time

If the individual is awaiting assessment by either organisation and is awaiting placement in dispersal accommodation, consideration should be given to deferring the decision until the outcome of the assessment process is known.

Either organisation may be contacted to give an indication of when the assessment process is likely to be completed, in order to assist the caseworker in the decision on whether deferment is appropriate.

In some cases it will not be appropriate to defer the decision because the assessment consideration by either organisation may take some time to complete. In these cases strong consideration should be given to any request to provide dispersal accommodation near to the centre where the assessment procedures are to take place.

If the request is not agreed, reasons should be given and where appropriate the matter discussed with the particular organisation.

Where either organisation decides that the person does not need their services after the assessment process

If, following their assessment procedures, either organisation decides that an individual does not require their specialist services they will notify the Home Office in writing as soon as possible.

Either organisation may recommend another organisation that can offer an appropriate level of support or recommend that the individual be accommodated in a particular location. Such requests should be given serious consideration.

Persons accepted for treatment by either organisation: seeking Home Office accommodation for the first time

If the individual is accepted for treatment by either organisation they should normally be provided with accommodation as close as possible to the centre where the treatment is to take place.

For individuals who are receiving treatment at Freedom from Torture's London centre or those receiving treatment at the Helen Bamber Foundation, this means that accommodation should generally be provided within travel zones in London.

For individuals receiving treatment at one of Freedom from Torture's regional centres, this means accommodation should be provided within 1 hour travelling distance of the centre.

Caseworkers must also note any special accommodation requirements indicated by either organisation and carefully consider any recommendations put forward. Individuals receiving treatment by either organisation should not be required to share bedrooms with unrelated adults.

In exceptional cases, either organisation may also consider that self-contained accommodation or other special arrangements are clinically necessary for the individual and notify the caseworker. As a general rule, and wherever possible, these needs should be provided for.

Caseworkers should not ask for details of why the organisation considers that self-contained accommodation or other special arrangements are necessary, and they should not refer the case to the Home Office Medical Adviser.

Any request to move an individual from accommodation that either organisation considers is unsafe or unsuitable should be handled on an urgent and case-by-case basis.

Persons who commence treatment: already being provided with Home Office accommodation

If an individual who is already being provided with Home Office accommodation provided under section 95 or section 4 of the Immigration and Asylum Act 1999 commences treatment with either organisation their accommodation needs should be reassessed and careful consideration given to relocating them into suitable accommodation near to the centre where their treatment is to take place.

These requests should be considered on a case by case basis, taking into account all relevant factors, including the frequency of the treatment and the availability of accommodation in the location requested.

Where it is decided that the individual should remain in their existing accommodation, caseworkers should give written reasons for the decision and consideration should be given to meeting reasonable travel expenses to enable their

attendance at either organisation for treatment. If the treatment centre is more than 3 miles from the individual's accommodation, reasonable travel expenses should normally be met.

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Napier accommodation and other types of accommodation with shared sleeping quarters

The Napier facility is situated near Folkestone in Kent and was formerly used to provide accommodation for military personnel. It is currently being used as contingency asylum accommodation for stays of up to 90 days. It has similar features to other full-board 'Initial Accommodation' used to accommodate asylum seekers and sometimes failed asylum seekers under sections 95, 98 or 4(2) of the [Immigration and Asylum Act 1999](#).

However, the sleeping arrangements consist of communal dormitory style rooms (with multiple individuals per room). This may make the accommodation unsuitable for some individuals. Asylum seekers allocated to the accommodation have full access to the advisory services provided by Migrant Help and are able to raise issues about their suitability to be accommodated at the site.

Currently, Napier is **only** to be used to accommodate single, adult males between the ages of 18 to 65. Women and children are not to be accommodated at this facility.

Unlike with initial accommodation, where consideration of which accommodation to allocate falls to the accommodation provider, when allocating individuals to Napier, the Home Office may take into account the characteristics and status of the service user's asylum claim, for example whether or not the claim is admissible and/or the stage it has reached within the asylum process. For this reason, the selection of service users for these sites is undertaken by Home Office caseworkers. This section provides guidance to caseworkers on what factors to consider when accommodating in Napier, where there are communal, dormitory-style rooms.

This section also provides guidance to caseworkers and Home Office Accommodation Providers on identifying single, adult asylum seekers with no child dependants who are suitable to be accommodated in other communal dormitory forms of accommodation. Home Office Accommodation Providers in some regions of the UK use communal dormitory style accommodation where there are shared sleeping quarters, including Houses of Multiple Occupancy. These can range from small numbers of people sharing a sleeping quarter, to larger groups. Accommodation with shared sleeping quarters may make the accommodation unsuitable for some individuals. Asylum seekers allocated to the accommodation have full access to the advisory services provided by Migrant Help and are able to raise issues about their suitability to be accommodated at the site.

These criteria are in addition to Accommodation Providers' contractual requirements under the Asylum Accommodation and Support Services contract (AASC).

Suitability Criteria

This only applies to the Napier accommodation and other communal dormitory forms of accommodation where there is room sharing between unrelated individuals . When assessing an individual's suitability, caseworkers should consider all of the evidence available. This includes, but is not limited to:

- screening interviews
- ASF1s
- information on Home Office systems
- supporting correspondence from the applicant or their representative

This suitability criteria only applies to consideration where room sharing is between single adults. 'Single' means on asylum support with no dependants. Women and children are not currently to be accommodated at Napier. Men over the age of 65 are also not to be accommodated at Napier.

Additionally, if an individual meets any of the following criteria they are **not** suitable for Napier or other accommodation with shared sleeping quarters:

- they have not yet been screened
- they may be a victim of modern slavery, including that they have been referred to the National Referral Mechanism and it has been found there are reasonable grounds or conclusive grounds to believe they are a victim of modern slavery or a decision is still pending
- they would be defined as vulnerable under the [Asylum Seekers \(Reception Conditions\) Regulations 2005 regulation 4\(3\)](#) and have had an individual evaluation of their situation that confirms they have special needs for support under section 95 of the Immigration and Asylum Act 1999 - the relevant points in these regulations are that a vulnerable individual is:
 - a disabled person
 - an elderly person
 - an individual who has been subjected to torture
 - rape or other serious forms of psychological, physical or sexual violence; and in each case, has had an individual evaluation of his situation that confirms he has special needs
- they have serious mobility problems or physical disability
- they have complex health needs within the meaning given by the Healthcare Needs and Pregnancy Dispersal Policy at paragraph 4.16 - the relevant complex health needs are:
 - Active tuberculosis and Infectious / active communicable diseases (when making dispersal arrangements for applicants with Tuberculosis also refer to chapter 7.2: Tuberculosis – Dispersal Guidelines)
 - Serious mental health issues where there is a high risk of suicide, serious self-harm or risk to others (when making dispersal arrangements for applicants with mental health issues, also refer to chapter 7.3: Mental Health –Dispersal Guidelines)
 - Chronic disease, for example, kidney disease where the patient requires regular dialysis

- HIV (when making dispersal arrangements for applicants with HIV, also refer to chapter 7.1: HIV – Dispersal Guidelines)
- the following cases:
 - they have a history of disruptive behaviour
 - cases being dealt with by the Foreign National Offenders – Returns Command
 - they have been granted refugee status or other forms of leave to remain
 - they are awaiting removal

Each case should be considered individually and if a caseworker is unsure about whether an individual is suitable to be accommodated, they should discuss the matter with a senior caseworker or manager. Those with minor medical ailments can be accommodated at Napier, but where there are serious medical issues, caseworkers should refer to the Healthcare Needs and Pregnancy Dispersal Policy.

The caseworker should ensure the relevant information and evidence obtained from the above documents is sent to the Accommodation Provider.

Should an individual be allocated accommodation at Napier and new information on their suitability to remain comes to light from the accommodation provider or statutory bodies, the case should be reviewed and alternative accommodation may be allocated. Caseworkers may consider additional information including views from the service user alongside the suitability criteria where there is an exceptional request to remain at Napier. These requests should be considered on a case-by-case basis and balance the overarching principle that accommodation is offered on a 'no choice basis'.

Accommodation Providers are required to apply these criteria in considering who to place in such accommodation.

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Section 95 support for those in private accommodation

This page tells caseworkers about the provision of support to those in private accommodation who are granted subsistence and accommodation under section 95 of the [Immigration and Asylum Act 1999](#) (the 1999 Act).

Subsistence payments

Previously, individuals in private accommodation who applied for subsistence and accommodation under section 95 of the 1999 Act, and were granted such support, would only receive subsistence payments when they were moved to dispersal accommodation. Those who required subsistence payments pending transfer to asylum accommodation could request this by contacting Migrant Help. However, individuals in private accommodation who apply for and are granted subsistence and accommodation under section 95 of the 1999 Act shall now be given subsistence payments upon grant.

Accommodation

Individuals who are in private accommodation and who have been granted subsistence and accommodation under section 95 of the 1999 Act are not moved to asylum accommodation unless they make further contact with Migrant Help to request urgent accommodation. This is a result of the pressures on the asylum accommodation estate and the prioritisation of those in initial and contingency accommodation for dispersal.

Individuals will need to notify Migrant Help of their section 95 grant of support, any individual needs they have and when their need for accommodation begins. The accommodation provided will likely be initial accommodation provided under section 95 of the 1999 Act including hotels and hostel-style properties in a range of areas across the UK and will generally be allocated according to the overriding principle that it is offered on a 'no choice basis'.

Individual needs should be considered including healthcare or pregnancy needs, in line with the Healthcare needs and pregnancy dispersal guidance, the best interests of children and requests based on location, in line with the Allocation of Accommodation guidance. Any asylum seekers on support with care needs should also be considered in line with the Asylum Seekers with Care Needs guidance.

This practice is under review.

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